

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID K. LAMB,

Petitioner,

v.

CARMEN PALMER,

Respondent.

Case No. 03-73587

Honorable John Corbett O'Meara

ORDER DENYING PETITIONER'S MOTION FOR RECONSIDERATION

This matter came before the court on petitioner David K. Lamb's motion for reconsideration of this court's order adopting Magistrate Judge Paul J. Komives' report and recommendation and denying Petitioner's second motion for certificate of appealability. Pursuant to Local Rule 7.1(g)(2), no response was filed and no oral argument was heard.

Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

Local Rule 7.1(g)(3).

In this case the court finds no palpable defect. Petitioner has merely presented the same issues ruled upon by the court by reasonable implication. Furthermore, on September 2, 2010, the United States Court of Appeals for the Sixth Circuit denied Petitioner's request for a certificate of appealability, as well as his motions for leave to proceed *in forma pauperis* and to remand.

Therefore, it is hereby **ORDERED** that petitioner Lamb's motion for reconsideration is **DENIED**.

s/John Corbett O'Meara
United States District Judge

Date: February 28, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, February 28, 2011, using the ECF system, and upon Petitioner at Newberry Correctional Facility, 3001 Newberry Avenue, Newberry, MI 49868 by first-class U.S. mail.

s/William Barkholz
Case Manager